

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LON MARTIN AKA LON MILLER,

Petitioner,

v.

KENNETH QUINN,

Respondent.

Case No. C08-5344RJB-KLS

ORDER REGARDING PETITIONER'S
MOTION TO SEAL PETITIONER'S
SUPPLEMENTAL SUBMISSION OF
RECORDS UNDER SEAL

This matter is before the Court on petitioner's motion to seal petitioner's supplemental submission of records under seal. (Dkt. #58). Respondent has not filed a response to petitioner's motion, and therefore appears to have no objections thereto. For the reasons set forth below, however, further information from petitioner regarding the records for which filing under seal is requested is needed before such request can be granted.

Petitioner states his motion "is based upon the sensitive and confidential nature of information contained in the documents, including psychological evaluations and other medical records, which, if made public, could result in irreparable harm to" him. (Dkt. #58, p. 1). Most of the documents sought to be sealed indeed do appear to consist of medical or psychological records. See (Dkt. #59-2, Exhibits B-E). One of those documents, however, consists of a pre-sentence investigation report, which while describing to some extent petitioner's medical and mental health history, would not itself seem to qualify as a medical record. See (Dkt. #59-2, Exhibit E, SEALSUB 22-43). In addition, as a pre-sentence investigation report, that document

1 presumably is a public record, with respect to which the granting of petitioner's request to seal
2 would not be proper.

3 Accordingly, petitioner's motion to seal petitioner's supplemental submission of records
4 under seal (Dkt. #58) hereby is GRANTED as to those documents other than the pre-sentence
5 investigation reported noted above (Dkt. #59-2, Exhibits B-D and Exhibit E, SEALSUB 1-21
6 and 44-62). In regard to the pre-sentence investigation report (Dkt. #59-2, Exhibit E, SEALSUB
7 22-43), petitioner shall inform the Court by **no later than June 11, 2010**, as to whether or not
8 that report is a public document. In regard to the pre-sentence investigation report, therefore, the
9 Clerk shall re-note petitioner's motion to seal petitioner's supplemental submission of records
10 under seal (Dkt. #58) for consideration on **June 18, 2010**.

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12 The Clerk shall send a copy of this Order to counsel to petitioner and to counsel for
13 respondent.

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15 DATED this 28th day of May, 2010.

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19 Karen L. Strombom
20 United States Magistrate Judge
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